



Entered on Docket  
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD OMNIBUS  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED, IN WHOLE  
OR IN PART, UPON INVESTMENT IN  
THE LA HACIENDA ESTATE, LLC  
LOAN**

Hearing Date: October 5, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Third Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based, in Whole or in Part, Upon Investment in the La Hacienda Estate,  
3 LLC Loan” [Docket No. 7310] (the “Objection”); with appropriate notice of the Objection  
4 having been given; no response to the Objection having been filed; and good cause  
5 appearing:

6 **IT IS HEREBY ORDERED:**

- 7 1. The Objection is sustained;
- 8 2. The claims listed in **Exhibit A** are disallowed to the extent those  
9 claims are based upon a Direct Lender Investment in La Hacienda  
10 Estate, LLC Loan; and
- 11 3. To the extent the claims listed on **Exhibit A** are based upon  
12 investments in loans other than the La Hacienda Estate, LLC Loan,  
13 this order does not affect them and the USACM Trust may file further  
14 objections.

15  
16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17  
18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)

20 Rob Charles

21 John Hinderaker (*pro hac vice*)

22 Marvin Ruth

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*Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the La Hacienda Estate, LLC Loan</b>
<b>10725-01997</b>	Km Trust	C/O Aimee E Kearns Trustee 5886 N Bonita Vista St Las Vegas NV 89149-3911	1,535,080.92	100,000.00
<b>10725-02037</b>	Miller Trust Dated 8/13/87	Gary I & Barbara Miller Ttees 2832 Tilden Ave Los Angeles, CA 90064	1,111,366.00	100,000.00
<b>10725-02044</b>	Naylon, Dominique	Po Box 2 Topaz, CA 96133	1,168,297.62	100,000.00
<b>10725-02063</b>	Dery, James D & Ann R	Husband & Wife 10 Longmeadow Ln Beachwood, OH 44122	2,793,347.72	300,000.00
<b>10725-02070</b>	Robert R Rodriguez Revocable Trust Dtd 1/31/06	C/O Robert R Rodriguez Trustee 5748 Newberry Point Dr. Flowery Branch, GA 30542	152,297.26	50,000.00
<b>10725-02150</b>	Newman Family Trust Dtd 9/20/97	Larry J & Elsie D Newman Ttees 1775 Autumn Valley Way Reno, NV 89523	1,000,238.46	180,000.00
<b>10725-02163</b>	Voglis, Marietta	3333 Allen Prky. Unit 1103 Houston, TX 77019	724,292.85	50,000.00
<b>10725-02178</b>	Marshal Brecht Trust Dtd 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial Cir Fullerton, CA 92835	3,418,022.00	200,000.00
<b>10725-02211</b>	Threlfall, Ronda L	240 Lilac Dr El Cajon, CA 92921-4034	405,613.88	100,000.00
<b>10725-02296</b>	Jayem Family Lp	7 Paradise Valley CT Henderson, NV 89052-6706	265,865.00	25,000.00

**EXHIBIT A**